



San Luis Obispo County

DEPARTMENT OF PLANNING AND BUILDING

Promoting the Wise Use of Land z Helping to Build Great Communities

DATE: October 14, 2016

TO: Planning Department Hearing Officer

FROM: Holly Phipps, Project Manager

SUBJECT: Continued hearing for Greengate Minor Use Permit / DRC2012-00078 to October 14, 2016

This item was continued from the September 2nd Planning Department Hearing to the October 14th, Planning Department Hearing.

Staff received a letter from the applicant (September 1, 2016; Request for Continuance) to continue this project to a date specific because members of the public have expressed concerns about the project. Staff would like to ensure that neighbors who have expressed concerns regarding the project have an opportunity for those concerns to be heard before the Planning Department Hearing officer.

No changes were made to the attached staff report, findings or conditions of approval from the original hearing date except changing the date of the meeting and effective dates.



DEPARTMENT OF PLANNING AND BUILDING STAFF REPORT

*Promoting the wise use of land
Helping build great communities*

Tentative Notice of Action

MEETING DATE October 14, 2016 EFFECTIVE DATE October 28, 2016	CONTACT/PHONE Holly Phipps (805) 781-1162	APPLICANT Greengate Farms SLO LLC and Green Gate Farms Edna Valley, LLC	FILE NO. DRC2012-00078
SUBJECT Request by Greengate Farms SLO LLC and Green Gate Farms Edna Valley, LLC for a Minor Use Permit to allow Temporary Events on a 210 acre site. The Temporary Event program will include: 25 events with up to 500 people; 50 events with up to 300 people; and 50 activities with up to 200 people. Multiple Temporary Events may occur on a single day and the number of Temporary Events per year shall not exceed 125. The proposed project is located within the Agriculture land use category, on the east side of Edna Road (SR 227) at the intersection of Corbett Canyon Road. The project site is approximately 3.6 miles south of the City of San Luis Obispo in the South County planning area (San Luis Obispo Sub Area South).			
RECOMMENDED ACTION 1. Adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Minor Use Permit DRC2012-00078 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on July 28, 2016 for this project. Mitigation measures are proposed to address biological resources, hazards, hazardous materials, noise, public services/utilities, and transportation, and are included as conditions of approval.			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION Flood Hazard, Airport Review	ASSESSOR PARCEL NUMBER 044-161-010, 044-161-009, 044-233-010	SUPERVISOR DISTRICT(S) 3
PLANNING AREA STANDARDS: South County Planning Area, San Luis Bay Inland South Sub Area South.			
LAND USE ORDINANCE STANDARDS: Section 22.62.050 Minor Use Permit Approval; Chapter 22.18 Parking and loading; Chapter 22.20 Sign Ordinance; Section 22.10.180 Water quality, Section 22.10.120 Noise Standards; Section 22.30.610 Temporary Events. Does the project conform to the Land Use Ordinance standards? Yes - see discussion.			
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or on October 28, 2016, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

EXISTING USES: Agricultural operations, ranch house, equestrian facilities, and accessory structures	
SURROUNDING LAND USE CATEGORIES AND USES: North: Agriculture / agricultural uses, scattered single-family residences East: Agriculture / agricultural uses, scattered single-family residences South: Agriculture / agricultural uses, scattered single-family residences West: Agriculture / agricultural uses, scattered single-family residences	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Agricultural Commissioner, County Airport Manager, CALFIRE, Air Pollution Control District, County Sheriff, Caltrans, Regional Water Quality Control Board, and Building Division.	
TOPOGRAPHY: Moderately sloping	VEGETATION: Agriculture and non-native landscaping
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system, portable restrooms Fire Protection: CALFIRE	ACCEPTANCE DATE: March 4, 2016 (after revised project description was received)

PROJECT DESCRIPTION

The applicant proposes to conduct Temporary Events and activities in accordance with LUO Section 22.30.610 as follows:

- 25 events with up to 500 people
- 50 events with up to 300 people
- 50 activities with up to 200 people

“Temporary Events” would consist of larger gatherings such as symposia, weddings and parties. “Temporary activities” refers to smaller gatherings such as cooking seminars, horse riding retreats, ranch tours, educational retreats, community group meetings. In addition, the application proposes to accommodate events sponsored by local non-profit organizations.

Temporary Events and activities would be held in four separate areas of the site shown on Figure 1 and described below. Multiple Temporary Events may occur on a single day; the number of Temporary Events per year shall not exceed 125.

Figure 1 -- Temporary Event/Activities Areas



Event Area A -- Main House and Show Barn Location. The main house's interior and exterior (perimeter identified in yellow on this plan) is intended to be used for small events. This area can be used with or without a tent, with the option for outdoor amplified music. The Show Barn, Smaller Horse Barn, and Arena are also designated sites for equine focused events. Event parking for this area will be located below at the main Parking Area 1 near the Old Barn. Portable restrooms are proposed when the Barns and arena areas are used for Temporary Events.

Event Area A -- Existing Equestrian Activity Areas. Equestrian related activities (horse sales, horse shows, training clinics, etc) will continue to occur on the property within Event Area A. The Show Barn and Small Horse Barn will be utilized for event attendees and by horse owners and staff attending to the needs of the horses or cattle. The arena area adjacent to the Show Barn and the existing pastures will also be used for on-site equestrian activities. Portable restrooms will be provided at appropriate locations depending on the location of the activities. Tents may also be used in conjunction with

equine and cattle events and certain parking areas will be utilized where they are most convenient for the proposed activity / event.

Event Area B -- Old Barn. This event location within the yellow dashed line includes both indoor and outdoor event areas. The Old Barn can accommodate visitors within the barn, on the lawn area within tents, or outside the Old Barn in the courtyard. An adjacent garage is proposed to be utilized for both Ag and event storage, and caterer staging, and the permanent restrooms adjacent to the garage on the other side of the courtyard will be utilized for small events. For larger events, portable restrooms will be provided. Outdoor amplified music is proposed in this location, and parking for this venue will be in Parking Areas 1 and 3.

Event Area C -- Ponds. The pond site, identified by the yellow dashed line, is an outdoor event area. The intention for this location is to allow smaller, more intimate gatherings and casual walking around the perimeter of the ponds. Vehicle access will not be permitted near the ponds. No permanent structures (except for possibly a small gazebo in the future) or improvements are proposed in this location. Events such as wedding ceremonies, funerals, or other ceremonial types of activities may occur at this location. There is a parking area adjacent to the corral (Parking Area 2) where visitors can park while utilizing this event location. Outdoor amplified music is proposed in this event site and will be restricted to County requirements for hours of operation.

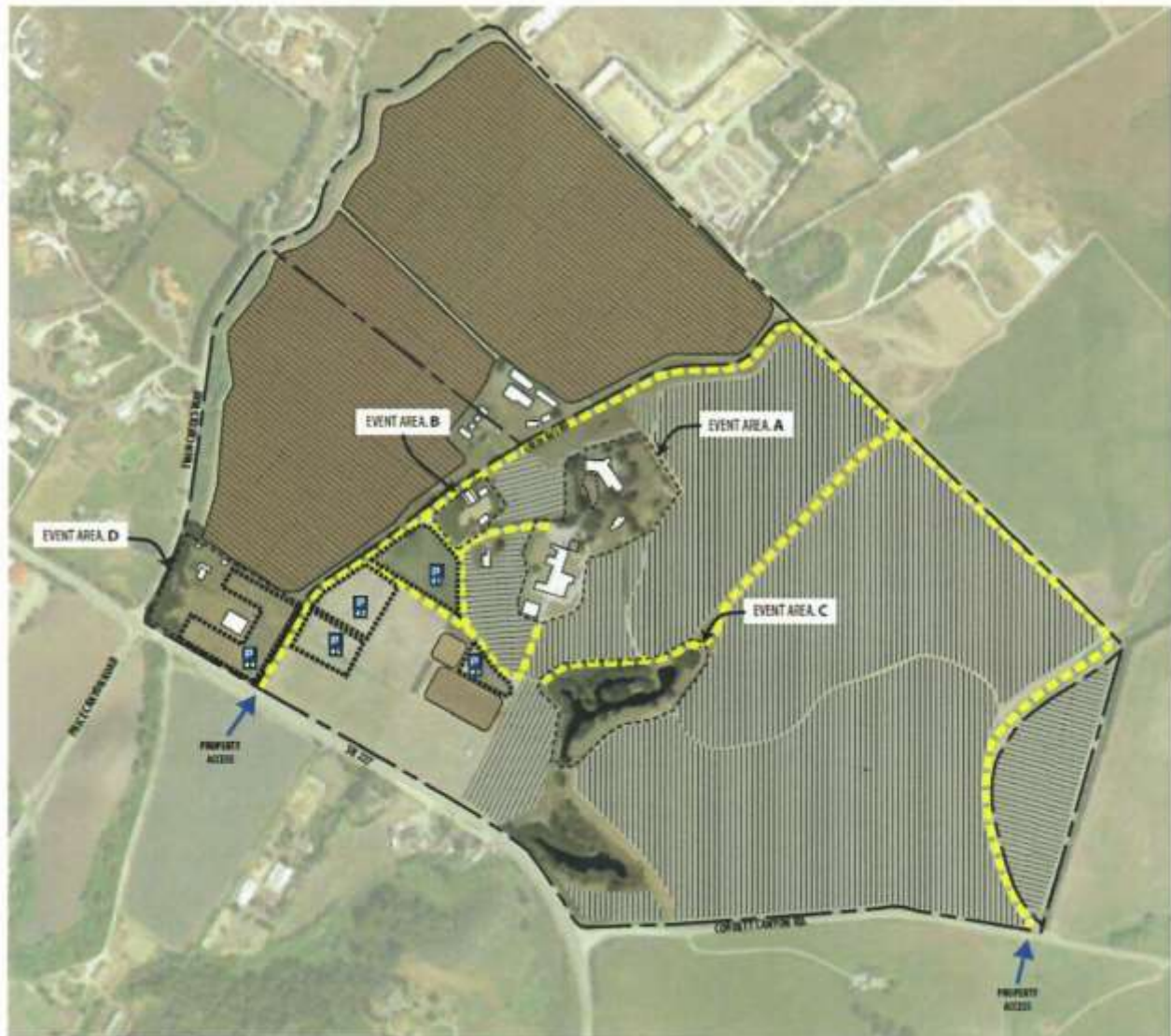
Event Area D -- White Barn. The White Barn event area defined by the yellow dashed line is proposed to be utilized for indoor and outdoor events. The outdoor area behind or on the side the barn will be used for additional event space and tents may be used to accommodate certain types of needs. There is ample parking area adjacent to the White Barn. Should overflow parking be necessary, visitors will be directed to park directly across Green Gate Road in Parking Area 5 and walk or be carted over to the White Barn venue. The existing residential structure in this area will be brought up to code and will be utilized as a VRBO use and appropriate Temporary Events in similar fashion to the other residences in Area A. Outdoor amplified music is proposed in Area D, however, mitigation measures are proposed in the noise study. As noted for the other event areas, portable restrooms will be employed to accommodate visitor needs.

Temporary Events and activities would be conducted up to 125 total calendar days per year throughout the year, assuming each event/activity occurs on a separate day. Although multiple events/activities could occur on a single day, the number of Temporary Events/activities per year would not exceed 125.

Outdoor amplified sound is proposed in conjunction with events and activities conducted in areas A, B, C and D on Figure 1. Outdoor amplified sound would be conducted between the hours of 10:00 AM and 10:00 PM. If related to an agricultural event, outdoor amplified sound would occur between the hours of 8:00 AM and 10:00 PM.

No new buildings, roads or grading are proposed. Options for Temporary Events parking are provided in five locations (Figure 2). All event parking areas will be covered with non-combustible materials and are less than 10% slope; no grading or clearing of the land will be required. For the larger events (500 attendees) it is estimated that an area of about 80,000 square feet (about 2 acres) would be needed. The plans show that the five parking areas cover about 3.3 acres and would accommodate about 365 vehicles, assuming 400 square feet per vehicle.

Figure 2 -- Parking and Access



BACKGROUND

Greengate Farms began as a dairy farm back in the 1800's and has been an equestrian facility since the 1960's. The project site is also used for the cultivation of row crops, cattle grazing and vineyards; there are no wine processing facilities. The project site also includes a main residence as well as several smaller residences and assorted farm support buildings and barns.

The project site consists of flat to moderately rolling terrain on the floor of the Edna Valley. The northern property line follows East Corral de Piedra Creek, a tributary of Pismo Creek; the project site also supports two ponds and associated riparian vegetation.

There are two existing vehicular access points onto the project site. The main access point is from Edna Road (SR 227) onto Green Gate Road, a County maintained road that passes northeast/southwest through the project site and provides access to two adjoining parcels. There is an additional access road extending north from Corbett Canyon Road along the

southern property line; this road is currently used for vineyard/agricultural access (RCD road grading permit GRA2012-00010). Existing agricultural operations are served by a network of unpaved roads which will also provide vehicular access for Temporary Events.

Permit history associated with the project site includes the following:

- Various repairs and renovations of existing residences;
- Drainage and erosion control improvements;
- Remodel and renovation of equestrian facilities;
- Approval of a vacation rental permit and horse breeding facility.

RECOMMENDED TIME LIMIT

Board Resolution No. 2008-152 Temporary Events

On October 6, 2009, the Board of Supervisors adopted a resolution interpreting the Temporary Events Ordinance (Section 22.30.610 of the Land Use Ordinance). The Board of Supervisors concluded that, while a Minor Use Permit can authorize multiple events, the life of the Minor Use Permit shall be defined as part of the approval. This means that Temporary Events may not be authorized in perpetuity through the granting of a single Minor Use Permit.

The Board of Supervisors did not establish criteria for how long a Minor Use Permit may be in effect. Instead, this decision has been made on a case-by-case basis by the Review Authority after considering such project-specific issues as project access and roadway safety, the number and size of proposed Temporary Events, the proximity of noise sensitive uses and the proximity of other approved locations for Temporary Events. Accordingly, previous requests for Temporary Events have received approval for periods that range from 5 to 20 years, with the average of about 15 years.

Since the Board has adopted this interpretation, six other temporary event authorizations have been granted as summarized on the following table:

Project	Lemm DRC 2007-00176	Vogt DRC 2008-00047	Waddell DRC 2008-00110	Edwards DRC 2008-00148	Judd DRC 2009-00056	Rava DRC 2010-00086
Historic Use of Site	Residential, agricultural	Residential, agricultural	Residential, agricultural	Non-profit events	Residential, agricultural	Agriculture
Access	Local road	Arterial highway	Principal arterial	Arterial road	Collector road	Arterial road
Zoning	Agriculture	Agriculture	Agriculture	Residential Rural	Agriculture	Agriculture
Events	20, annually	12, annually	18, annually	16, annually (plus non-profit events)	20, annually	25, annually
Guests	Up to 100	Up to 150	Up to 200	Up to 200	Up to 150	250 to 1000
Life	5 years	8 years	18 years	20 years	15 years	20 years

The applicant is requesting that the event program run in perpetuity with the land. However, in this specific case, staff recommends a 20-year time limit for this Minor Use Permit. This period is being recommended because of the following project-specific site characteristics:

- Number and Size of Events – This Minor Use Permit would authorize up to 125 Temporary Events per year with up to 500 guests. One previous approval authorizes Temporary Events involving 500 or more guests.
- Traffic Safety – The site is located on a two-lane arterial road approximately 3.6 miles south of the City of San Luis Obispo at the intersection of Edna Road (SR 227) and Price Canyon Road. The travel lanes are 11-12 feet wide and the existing traffic volumes on Edna Road at Price Canyon Road are relatively high (11,500 ADT) based on counts taken by Caltrans in 2014. Average vehicle speeds on SR 227 adjacent to Greengate Road and Corbett Canyon Road are approximately 50-55 mph. The intersection is controlled by a traffic signal.

Incidence of Traffic Accidents on Adjacent and Surrounding Roadways -- CHP data were reviewed for the 1.5 mile segment of SR 227 within approximately three miles of the project site. There were 11 reported accidents on SR 227 (2-2008, 1-2009, 3-2010, 5-2011 and 0-2012); 3 accidents on Price Canyon Road and 1 accident on Corbett Canyon Road during the 5 year period for which data was provided. Nine (9) of the accidents (60%) were single vehicle (SV) accidents, with 5 occurring under nighttime conditions. There was only 1 accident on SR 227 that occurred between Price Canyon Road and Corbett Canyon Road, with no reported accidents at Greengate Road. These data suggest that traffic accidents have occurred infrequently in the vicinity of the project site, given the speed and volume of traffic on surrounding streets.

Project Access -- An evaluation of left turn lane warrants was conducted on SR 227 at Greengate Road and Corbett Canyon Road at the Greengate Ranch private road. The evaluation concluded that a southbound left turn lane would be required on SR 227 at Greengate Road to safely accommodate traffic associated with the proposed uses under the CUP.

The evaluation of access included a review of sight distance on SR 227 and Corbett Canyon Road. The review of sight distance was conducted using the County standard and criteria published in the Caltrans Highway Design Manual. The review concluded that there is adequate stopping sight distance on SR 227 for vehicles approaching Greengate Road and adequate corner sight distance for vehicles exiting Greengate Road. However, the corner sight distance looking north at southbound traffic on SR 227 was slightly below the minimum. The controlling line-of-sight factor for southbound vehicles approaching Corbett Canyon Road is the embankment west of the southbound shoulder. The clearing of existing vegetation on the embankment would increase the line-of-sight of southbound traffic approaching Corbett Canyon Road. Stopping sight distance for vehicles on Corbett Canyon Road approaching the Greengate Ranch private road connection is also adequate for the observed speeds and posted speed limit. Corner sight distance for vehicles exiting the Greengate Ranch private road on Corbett Canyon Road complies with the County standard. The evaluation of access also concluded that stopping sight distance for vehicles on Greengate Road approaching the main Greengate Ranch driveway is adequate.

Transportation Demand Management Plan. The project includes a Transportation Demand Management Plan (TDM) prepared by Pinnacle Traffic Engineering (September, 2015). The TDM strategies were developed for large events and/or activities (i.e. greater than 100 guests) to ensure that no guest and/or participant traffic is generated during typical weekday and weekend day peak periods. The TDM strategies include recommended restrictions on the timing of the start of larger events on weekdays and weekends to avoid the morning and afternoon peak hours, and the implementation

of a shuttle bus service for events with 300 – 500 guests. Traffic management and monitoring is also recommended to ensure implementation.

With incorporation of the recommended mitigation measures, implementation of the TDM plan, and based on the arrival and departure patterns, trips associated with Temporary Events are not expected to have a significant impact on safety nor adversely impact current circulation patterns.

- **Noise** - The project proposes to have up to 125 special events per year; events will be conducted between the hours of 10AM and 10PM. Amplified music would occur at event areas A, B, C and D (Figure 1). Noise impacts are considered less than significant because:
 - Event areas "A" and "B" share a common trait in that both are located toward the center of the 210 acre parcel. Sound attenuates with distance. The noise study prepared for the project concludes that both sites are far enough from neighboring uses that there is little likelihood of exceeding County noise standards. The nearest dwellings are at least 1,000 feet from the event areas.
 - Event Area C is proposed for outdoor "ceremonial" events such as weddings. The setting is a pond surrounded by willows. There will be no permanent structure on the site (except possibly a small gazebo or overlook). This site is 740 feet from the closest neighboring property on the far side of Highway 227. The topographic qualities are a combination of "hard site" (the pond surface) and "soft" (a horse paddock). The estimated maximum level at the neighboring property line is 58 dB (the average of hard and soft site estimates). This is less than the County Lmax standard of 65 dB.
 - Mitigation measures are recommended for Areas A, B and C relating to the, management of loudspeaker directionality which can lessen noise exposure by ten decibels or more. These requirements are recommended as conditions of approval.

LAND USE ORDINANCE STANDARDS

Ordinance Compliance:

Title 22, Section - 22.30.610 - Temporary Events is an allowable use within the *Agriculture* land use category subject to the specific use standards in Section 22.30.610 and Minor Use Permit approval.

Temporary Events (Section 22.30.610)			
Standard	Required	Proposed	In Compliance
Temporary Events	Allowable on agricultural land subject to Minor Use Permit	Minor Use Permit submitted	Yes
Time Limits	Events may not occur more than 12 consecutive days; Events may not occur more than 4 consecutive	Up to 125 Temporary Events	Yes as conditioned

	weekends		
Located greater than 1,000 feet from land zoned single-family residence	Locate Temporary Events a minimum 1,000 feet from land zoned single-family residence.	All surrounding property is zoned Agriculture.	Yes
Access	Provide (2) two 18 feet wide access points	Project plans shows two points of vehicular access to the site: One from Edna Road (State Route 227) via Greengate Road, a paved roadway, and another from Corbett Canyon Road which is an unpaved agriculture road (Figure 2). Both roadways satisfy CALFIRE access requirements for Temporary Events.	Yes
Parking	400 sf per vehicle; Located on open areas with slopes of 10 % or less, free of combustible material; Assuming 20 vehicles per 100 guests, an event with 500 guests would require: 20 x 5 = 100 parking spaces.	The project can provided parking for about 365 vehicles at 400 sf per vehicle. Assuming an average of 20 vehicles per 100 guests, the proposed parking areas can accommodate an event (or combination of events) with as many as 913 guests. The number of vehicles accommodated on-site, in conjunction with implementation of the Transportation Demand Management plan, will ensure sufficient parking is provided.	Yes
Fire Safety	To be provided by CALFIRE	CALFIRE will require a Final Protection Master Plan	Yes as conditioned
Water and Wastewater	Facilities to be provided as required by Environmental Health	Environmental Health has reviewed; permits may be required.	Yes as conditioned

Miscellaneous Ordinance Sections

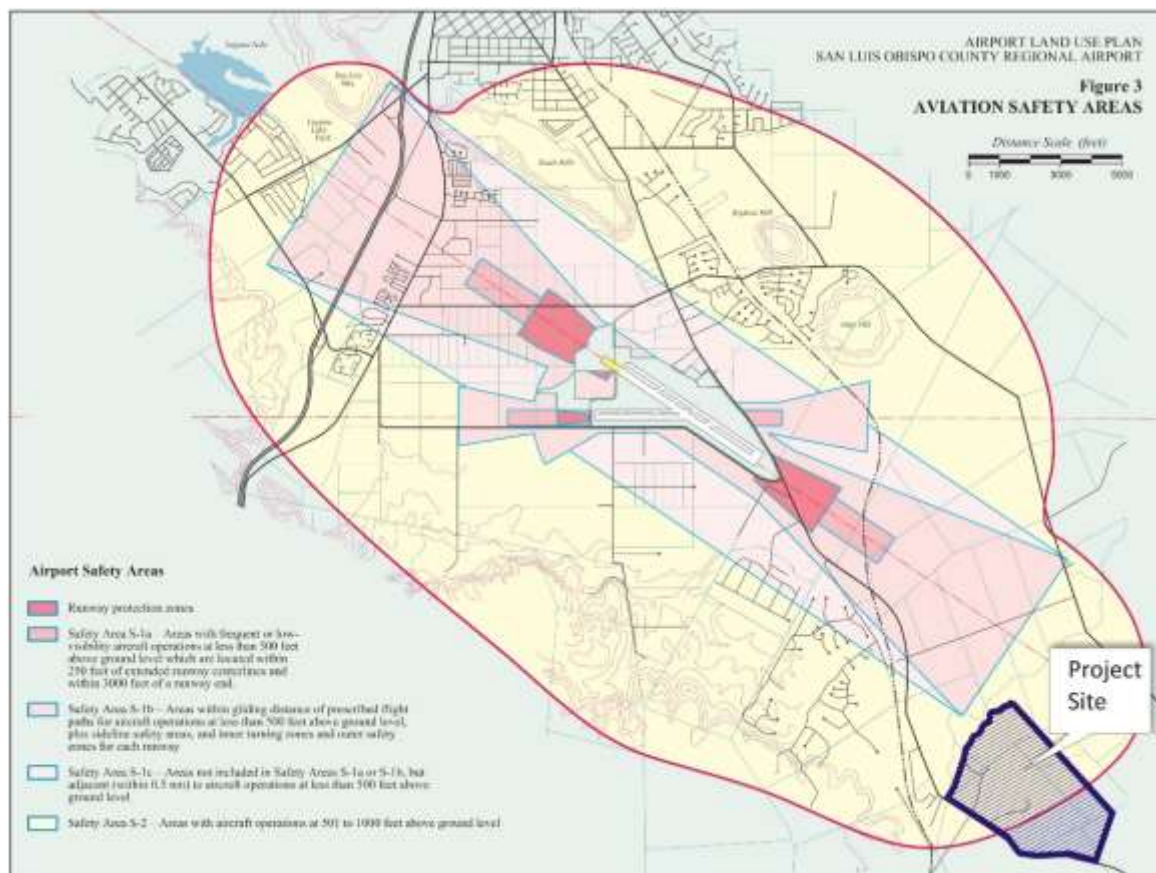
Signs (Section 22.60.060)	Maximum of 100 sf of signage; one free standing or monument	No Signs proposed	Yes
Limitation on Use / Noise (Section 22.10.120)	Hourly Leq, decibels - 50 daytime, 45 nighttime	125 Temporary Events per year proposed	Yes, as conditioned

COMBINING DESIGNATION – AIRPORT REVIEW AREA

The project is within the Airport Review area for the San Luis Obispo County Regional Airport. According to the Airport Land Use Plan (ALUP), the project site is located partially in *Safety Area S-2, Areas with aircraft operations at 501 to 1,000 feet above ground level* (Figure 3). According to Table 7 of the ALUP, Safety Area 2 allows a maximum of 150 persons per acre in a non-residential use. A special function land use, such as a special event, may be allowed but is subject to an Airport Compatible Open Space Plan (ACOS) and a Detailed Area Plan subject to Airport Land Use Commission approval.

The project was referred to the County Airport Manager. In a response from Richard Hewett dated March 29, 2013, the airport manager indicates the project will have no impact on airport operations.

Figure 3 -- Project Location In Relation to Airport Land Use Plan Safety Areas



PLANNING AREA STANDARDS

The project is located in the South County Planning Area, San Luis Bay Inland South Sub Area South. No planning area standards are applicable to the site..

General Plan policies and land use ordinance special standards require Temporary Events in

the Agriculture land use category to be subordinate to, and not interfere with ongoing agricultural operations. Policy 6 of the Agriculture Element requires that visitor-serving uses “...shall be clearly incidental and secondary to the primary agricultural use... for lands designated Agriculture.

The project site has historically been used for equestrian activities, including horse boarding and riding events. In addition, the site contains agricultural uses that include 20 acres of vineyards. The project site is not currently under a Williamson Act contract. All of the equestrian and agricultural operations currently undertaken on the site will continue. Although Temporary Events will be conducted on a portion of the project site, agriculture remains the primary use as summarized in the following table.

Table 1 – Greengate Farms Agricultural Uses	
Agricultural Use	Acres
Vineyards	77 ¹
Seasonal vegetable crops	66
Equestrian facilities	+/-12
Total Agricultural Uses:	+/-155
Other Uses:	55
Total Project Site:	210

Notes:

1. Another 11 acres are being prepared for planting.

ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration has been prepared for this project. Mitigation measures are recommended to address the following potentially significant impacts:

- **Biological Resources.** A biological resources assessment (BRA) was prepared for the project by Terra Verde Environmental Consulting, LLC, in May 2014. The BRA found that the proposed Temporary Events could result in significant adverse impacts to listed avian species, western pond turtle, California red-legged frog, and certain species of bats. The BRA also found that grazing within Event Area C may impose temporary impacts to riparian vegetation along pond banks and wetland fringes through grazing, trampling, and/or soil compaction. With recommended mitigation measures, potential impacts are expected to be less than significant.
- **Fire Safety.** All buildings for public assembly must be provided with fire sprinklers and the required fire flow must be documented prior to the conduct of Temporary Events.
- **Noise.** A noise study prepared for the project (David Dubbink Associates, 2013) concludes that noise associated with Temporary Events is not expected to exceed

County standards or adversely impact surrounding noise sensitive uses. Mitigation measures are recommended relating to the positioning of loudspeakers to ensure compliance with County standards.

- *Transportation*. A traffic impact analysis (TIA) was prepared as part of the application materials (Pinnacle Traffic Engineering, August 11, 2014). In addition, the project was reviewed by Public Works, CALFIRE and Caltrans. The findings and recommendations of the TIA and agency review have been incorporated as conditions of approval. These requirements include (but are not limited to) the following:
 - Widening of SR 227 at Greengate Road and provide a south-bound left-turn lane.
 - Improving the sight distance along SR227.
 - Construction of new driveway approach from SR 227.
 - Adherence to, and enforcement of, the intent of the *Transportation Management Plan* prepared by Pinnacle Traffic Engineering, dated September 1, 2015.
- *Water Quality*. A complete erosion and sedimentation control plan is required.

COMMUNITY ADVISORY GROUP COMMENTS

The project is not located within an advisory group purview.

AGENCY REVIEW

Public Works – Standard conditions have been applied to project;

CALFIRE – Fire Protection Master Plan required; fire sprinklers required for all buildings used for public assembly (email dated June 19, 2016);

Environmental Health – The project was reviewed by the Environmental Health Department (letter dated April 29, 2013). The Health Department will require the project to document on-site wastewater system adequacy which may require a soil evaluation. Discharge amounts should be estimated in order to determine if a discharge permit is required from the Regional Water Quality Control Board.

Air Pollution Control District – Dust suppressants required on access roads and event parking areas;

Airport Review – No impacts on operations, (Richard Hewett, March 29, 2013);

Building Division – Project subject to current California Codes.

LEGAL LOT STATUS

The lot was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Holly Phipps and reviewed by James Caruso.

EXHIBIT A - FINDINGS

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on June 30, 2016 for this project. Mitigation measures are proposed to address air quality, biological resources, geology and soils, hazards/hazardous materials, public services/utilities, transportation, and water/hydrology and are included as conditions of approval.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the use of the site for Temporary Events does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the use of the site for Temporary Events will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Highway 227 a collector road and Greengate Road a county maintained road constructed to a level able to handle any additional traffic associated with the project.

Airport Review Area Combining Designation

- G. According to the County Airport Manager, the proposed Minor Use Permit will not adversely affect the operation of the San Luis Obispo County Regional Airport because the project is consistent with the limitations established by the adopted Airport Land Use Plan.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes Temporary Events on a 210 acre project site within areas A, B, C and D shown on the approved site plan. The Temporary Events program may include: 25 events with up to 500 people; 50 events with up to 300 people and 50 events with up to 200 people. Multiple Temporary Events may occur on a single day (per attached Transportation Demand Management Plan dated September 1, 2015); the number of Temporary Events per year shall not exceed 125.
2. This authorization, once vested, shall remain valid for a period of 20 years from its effective date.

Conditions to be completed prior to issuance of a construction permit

Required Permits

2. **Prior to holding any event**, the applicant shall obtain construction permits for any structure proposed for public assembly including but not limited to conversions of existing barns and residential structures and all new structures if required by ordinance or code. Plans shall be prepared or certified by the licensed architect or engineer of record.

Fees

3. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Biological Resources

4. (BIO-1) Prior to project initiation, all applicable agency permits with jurisdiction over the project area (e.g., County, CDFW, Corps, USFWS, and RWQCB) shall be obtained (as necessary based on actual project design). These agencies will likely impose additional mitigation measures to ensure avoidance or mitigation of potential impacts.
5. (BIO-10) If proposed activities are planned for Event Area C, the Applicant will consult with the USFWS regarding potential impacts to CRLF. If the proposed access road crossing through Ephemeral Drainage One is conducted, then the Applicant will consult with the Corps for the appropriate permit. The Corps will then be the responsible agency for consultation with the USFWS.

Conditions required to be completed at the time of application for construction permits

Site Development

6. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan.

Services

7. **At the time of application for construction permits**, the applicant shall submit evidence that all existing septic system are adequate to serve the proposal.

Fire Safety

8. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code.

Traffic and Circulation

9. (TR-1) **At the time of application for construction permits**, the applicant shall submit plans prepared by a Registered Civil Engineer to the Department of Public Works to secure an Encroachment Permit and post a cash damage bond to install road and/or streets improvements to County Public Improvement Standards, unless design exceptions are approved by the respective agency:
- a. Widen State Route 227 at its intersection with Greengate Road to provide standard left-turn channelization in accordance with Caltrans California Highway Design Manual, Chapter 400, within necessary dedicated right-of-way. A Caltrans encroachment permit will be required.
 - b. Widen Greengate Road from State Route 227 to the northerly-most event access driveway (Event Area B) to an A-1b rural road section, and within necessary dedicated right-of-way easements. Improvements to also include:
 - i. Minimum 20-foot wide paved road
 - ii. Typical 4-foot wide aggregate base shoulders both sides. Shoulder width may be reduced to save existing trees where allowed by an approved Design Exception (Section 1.2 Public Improvement Standards).
 - iii. Sawcut approximately 2-feet to remove and replace existing easterly edge of pavement to competent road section and to provide a minimum 20-foot wide paved road section.
 - iv. Trim existing California pepper trees as necessary to provide improved visibility and sight distance
 - c. Widen Greengate Road along its southerly approach to State Route 227 to provide a paved shoulder taper in substantial conformance with B-1e standards.
 - d. All existing and proposed driveway approaches on Greengate Road used for event access shall be improved in accordance with County Public Improvement Standard B-1 & A-5 Series drawings.
 - e. Construct a new paved driveway approach on Corbett Canyon Road in accordance with County Public Improvement Standard B-1 & A-5 Series drawings.
 - f. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - g. Removal of all existing non-permitted obstructions from within the public rights-of-way along the project frontages (signs, fences, etc).

- h. The applicant shall provide satisfactory evidence that the Army Corps of Engineers and the California Department of Fish and Game environmental permits have either been secured or that the regulatory agency has determined that their permit is not required.
 - i. Utility plan showing all existing utilities and installation of all new utilities to serve the project.
 - j. Tree removal/retention plan for trees to be removed and retained associated with the required improvement to be approved jointly with the Department of Planning and Building.
 - k. Traffic control plan.
 - l. Sedimentation and erosion control plan.
10. (TR-2) **At the time of application for construction permits**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with CALFIRE standards and specifications back to the nearest public maintained roadway.
11. (TR-3) **At the time of application for construction permits**, the applicant shall enter into an agreement and post a deposit with the county for the cost of checking the improvement plans and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

Water and Hydrology

12. (HYD-1) **At the time of application for construction permits**, the applicant shall submit complete drainage plans for review and approval in accordance with Section 22.52.110 (Drainage) of the Land Use Ordinance.
13. (HYD-2) **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.

Conditions required to be completed prior to the issuance of construction permits

14. (TR-9) **Prior to issuance of construction permits**, the applicant shall offer for dedication to the public right-of-way easements by separate document for Greengate Road widening purposes a sufficient width as necessary to contain all elements of the roadway prism. Offers are to be recorded by separate document with the County Clerk upon review and approval by Public Works.

Conditions required to be completed during construction/renovation activities

15. (BIO-11) Renovation of structures in Event Area D for project activities will be avoided during potential bat breeding/rearing periods (April to August).

16. (BIO-12) A qualified biologist shall conduct bat surveys within the area of proposed renovation within 30 days of proposed work to determine if bats are using the structures for a breeding roost. An additional survey immediately before work will occur to ensure no maternity colonies have moved into the structures. If no bats are detected then no further mitigation shall be implemented. If bats are observed roosting within the specified event areas, the Applicant shall consult with the County and the CDFW regarding avoidance measures to ensure no impacts to bats occur.

Conditions to be completed prior to occupancy or final building inspection / establishment of the use

CALFIRE

17. (HZ-1) All buildings used for public assembly shall be provided with fire sprinklers in accordance with relevant provisions of the California Building Code.
18. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from CALFIRE of all required fire/life safety measures.

Department of Planning and Building

19. **Prior to occupancy of any structure associated with this approval or holding any Temporary Events**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

Transportation

20. (TR-4) **Prior to occupancy or final inspection**, a Registered Civil Engineer must certify to the Department of Public Works that all public improvements have been constructed or reconstructed to the satisfaction of the County Public Works Inspector and in accordance with County Public Improvement Standards; the project conditions of approval, including any related land use permit conditions; and the approved improvement plans. All public improvements shall be completed prior to occupancy or final inspection.

Water and Hydrology

21. (HYD-4) **Prior to issuance of construction permits**, the applicant may be required to offer for dedication to the public drainage easement(s) as necessary to contain both existing and proposed drainage features where those features accept public road storm flows. Offers are to be recorded by separate document with the County Clerk upon review and approval by Public Works.

Prior to Holding Events

CALFIRE

22. (HZ-2) **Prior to the conduct of Temporary Events**, a final Fire Protection Master Plan shall be submitted for review and approval of CALFIRE which documents the required fire flow to provide fire sprinklers for all buildings to be used for public assembly. The Fire Protection Master Plan may require the following items:
 - a. All egress and exiting shall comply with Chapter 10 - Means of Egress of the 2013 California Fire Code to provide egress from the building(s) to the public way.

b. Parking.

1. "No Parking - Fire Lane" signs will be required.
2. Fire lanes shall be provided as set forth in the 2013 California Fire Code Section 503.
3. Fire access shall be provided within 150 feet of the outside building(s) perimeter.
4. Must be an all weather non-skid paved surface.
5. All roads must be able to support a fire engine weighing 40,000 pounds.
6. Vertical clearance of 13'6" is required.

Gates.

1. All gates must be setback a minimum of 30-feet from the edge of the County roadway.
2. Must automatically open with no special knowledge.
3. Must have a KNOX key box or switch for fire department access. Call the Prevention Bureau for an order form at (805) 543-4244, ext. 3490.
4. Gates shall have an approved means of emergency operation at all times. CA. Fire Code Section 503.6
5. Gate must be 2 feet wider than the road on each side.
6. Each gate must have a turnaround located directly adjacent to the approach.

- c. Portable Fire Extinguishers. Portable fire extinguishers shall be installed throughout all the occupancies associated with this proposed project in compliance with the California Fire Code- Section 906 and Title 19. The contractor shall be licensed by the State Fire Marshal.
- d. Combustible Material. Every building or portion of a building shall be maintained in a neat orderly manner, free from any condition that would create a fire or life hazard or a condition which would add to or contribute to the rapid spread of fire. CCR Title 19 Division 1.
- e. Refuse containers must not be stored within 5 feet of combustible walls, openings, or combustible roof eaves, unless the refuse container is protected by an automatic sprinkler system installed in accordance with California Fire Code section 903.
- f. Storage, Stockpiles and Enclosures. Areas must meet all applicable California Fire Code requirements and be labeled with NFP A 704 required placarding.
- g. Public Assemblage and Events. Prior to Fire Department Review, proposed event area must first complete all requirements pursuant to Title 22, the San Luis Obispo County Land Use Ordinance. This includes receiving any necessary land use permit approval and issuance of construction and Conditional Use Permit requirements.

23. A fire safety review is required to ensure public safety in a place of assembly, or any other place where people congregate, including but not limited to; amusement buildings, carnivals and fairs, exhibits and trade shows, open burning, flames and torches, candles, places of assembly, temporary membranes structures and tents, pyrotechnics and special effects, live audiences and any event with public attendance over 250. The Fire Code Official shall have the authority to order the development of, or prescribe a plan for, the provision of an approved level of public safety.

24. A written plan must be submitted to the Fire Code Official 30 days prior to the event. Written

submittal requirements will be in accordance with Section 404 Fire Safety and evacuation plans. A **field inspection verifying compliance of fire and life safety conditions must be conducted prior to public occupancy of the event.** If modifications or additions to the event areas are made, an updated permit & inspection must be completed. Local Ordinance and California Fire Code (CFC) section 105.

25. Any time a tent, canopy or membrane structure in excess of 400 square feet is erected; it must be placed and utilized in accordance with California Fire Code - Chapter 24. The applicant shall be required to notify County Fire a minimum of 48-hours in advance of any tent or membrane structure being placed on site. Submittal requirements can be found online at www.calfireslo.org.

26. **Fire Safety and Evacuation Plan.** Applicant shall provide a written Fire Safety plan whose contents shall be in accordance with sections California Fire Code Chapter 4 Emergency Planning and Preparedness. Employee training, record keeping, hazard communication and drills will also comply with this chapter. The written plan will include at a minimum the detail outlined in sections 404.3.1 (Evacuations Plans) and 404.3.2 (Fire Safety Plans). Fire evacuation plans shall include the following:

- a. Emergency egress or escape routes and whether evacuation of the building is to be complete or, where approved, by selected floors or areas only.
- b. Procedures for employees who must remain to operate critical equipment before evacuating.
- c. Procedures for assisted rescue for persons unable to use the general means of egress unassisted.
- d. Procedures for accounting for employees and occupants after evacuation has been completed.
- e. Identification and assignment of personnel responsible for rescue or emergency medical aid.
- f. The preferred and any alternative means of notifying occupants of a fire or emergency.
- g. The preferred and any alternative means of reporting fires and other emergencies to the fire department or designated emergency response organization.
- h. Identification and assignment of personnel who can be contacted for further information or explanation of duties under the plan.
- i. A description of the emergency voice/ alarm communication system alert tone and preprogrammed voice messages, where provided.

Health Department

27. **Prior to holding any Temporary Events,** the applicant shall contact the Environmental Health Department to verify water supply adequacy and potability as for the proposed project. The applicant shall contact Brad Prior of the Environmental Division to determine if an annual permit will be required for the water supply at this facility.

28. Prior to holding any Temporary Events, the applicant shall obtain all the appropriate Health Department permits. The Health Department will require the following information:

- a. If water is made available to 25 or more employees at any one time, or to members of the public then the applicant shall be required to have domestic water supply system.
- b. Any service or sale of food or beverages for on-site consumption shall have all necessary approvals from the County Environmental Health Department.
- c. Comply with all County Environmental Health Department approved pest and solid waste control plans.

Air Quality

29. Prior to holding any Temporary Events and for the life of the project, the applicant shall implement the following measures:

- a. Designated parking locations shall be:
 1. Paved when possible;
 2. Plant fast germinating non-invasive grass or low cut dense vegetation; or,
 3. Treated with a dust suppressant (see Technical Appendix 4.3 of the APCD's CEQA Handbook) such that fugitive dust emissions do not exceed the APCD 20% opacity limit and do not impact off-site areas prompting nuisance violations.
- b. Any unpaved roads/driveways that will be used for the special event shall be maintained with an APCD-approved dust suppressant such that fugitive dust emissions do not exceed the APCD 20% opacity limit and do not impact offsite areas.
- c. The applicant may propose alternative measures of equal effectiveness by contacting the APCD's Planning Division at 781-5912.

30. Prior to establishment of the Temporary Event program, the applicant shall contact the APCD for specific information regarding operation equipment registration and APCD permits. The applicant shall submit to the Planning Department a copy of a letter of exemption for the above or a copy of any required APCD permits.

Temporary Event Rental Agreements

31. Prior to occupancy or final inspection and prior to initiation of public events, the applicant shall submit to the county a copy of a formal rental agreement for groups making use of the event site. The rental agreement shall include the disclaimer that outdoor amplified music will not exceed prescribe noise standards at the property line. The rental agreement shall identify an on-site manager to be present during all events who will have a basic sound level meter to verify conformance with standards and to correct problem situations.

On-going conditions of approval (valid for the life of the project)

Time Frames

32. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
33. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

Access

34. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc without a valid Encroachment Permit issued by the Department of Public Works.

Recycling

35. **On-going condition of approval (valid for the life of the project)**, the applicants shall provide recycling opportunities to all facility users at all events in accordance with Ordinance 2008-3 of the San Luis Obispo County Integrated Waste Management Authority (mandatory recycling for residential, commercial and special events).

Noise Monitor

36. **For the life of the project**, the applicant shall designate an employee to serve as a noise monitor. For events that include outdoor amplified music, the noise monitor shall monitor noise levels, on an hourly basis, with a sound level meter at the property lines to ensure that the noise levels do not exceed those prescribed in the County Land Use Ordinance. The noise monitor shall be available by telephone to respond to any noise complaints and take corrective measures to ensure compliance with the County Land Use Ordinance. The applicant and successors in interest shall provide a telephone number to reach the designated noise monitor to the County and any neighbor who requests it. The telephone number provided shall allow the County and/or neighbor to reach the noise monitor during all events.

Transportation

37. (TR-5) **On-going condition of approval (valid for the life of the project)**, the property owner/s shall adhere to and enforce the intent of the *Transportation Management Plan* prepared by Pinnacle Traffic Engineering, dated September 1, 2015. Amendments to the *Transportation Management Plan* may be allowed but must be submitted by a registered civil or transportation engineer for prior approval by the County Planning and Building Department, in consultation with the Department of Public Works.

38. (TR-6) **On-going condition of approval (valid for the life of the project)**, the new Corbett Canyon Road driveway approach is access restricted to existing agricultural operations and site emergency access, but may be used for egress (no ingress) during events greater than 300 guests. The onsite roadway approach must be maintained by the property owner/s as necessary to prevent tracking soil and other materials onto the public roadway.
39. (TR-7) **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the county maintained public right-of-way including, but not limited to, project signage; tree planting; fences; etc without a valid Encroachment Permit issued by the Department of Public Works.
40. (TR-8) **On-going condition of approval (valid for the life of the project)**, the property owner/s shall be responsible for operation and maintenance of public road frontage landscaping in a viable condition and on a continuing basis into perpetuity or until specifically accepted for maintenance by a public agency.

Water and Hydrology

41. (HYD-3) **On-going condition of approval (valid for the life of the project)**, the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

Biological Resources

42. (BIO-2) To ensure no sedimentation or erosion reaches East Corral de Piedra Creek, the pond, the wetland, or downstream watercourses, impacts creating bare ground shall be avoided, as feasible. If impacts to bare ground are necessary for project activities, erosion and sediment controls will be installed and maintained until the areas are stabilized (e.g., revegetated).
43. (BIO-3) Refueling and equipment/vehicle maintenance shall occur at least 100 feet from all hydrologic features or over containment structures if 100 feet is not feasible. A spill kit shall be available during refueling. The Applicant will ensure that contamination of aquatic habitat does not occur during project operations.
44. (BIO-4) During project implementation, all special-status wildlife shall be avoided. No pursuit, capture, handling, or other forms of take shall occur to any special-status wildlife species unless otherwise authorized by regulatory agencies (i.e., USFWS, CDFW).
45. (BIO-5) To protect special-status bird species and those species protected by the Migratory Bird Treaty Act and/or the Fish and Game Code, vegetation management, amplified music, and nighttime lighting in Event Area C and D shall be avoided during the typical nesting season (February 1 to September 15). If avoidance is not feasible during this season, a qualified biologist shall survey the event area one week prior to activity beginning. If nesting birds are located, they shall be avoided until they have successfully fledged. A buffer zone of 50 feet will be placed around all non-sensitive bird species and a 80-foot buffer zone for raptors. All activity will remain outside of buffers until the qualified biologist has determined that the young have fledged. If special-status bird species are located, no work will begin until an appropriate buffer is determined in consultation with the County, the local CDFW

biologist, and/or the USFWS.

46. (BIO-6) Project activities shall avoid disturbance to existing upland vegetation within 250 feet of the ponds edge in order to maintain potential nesting sites for pond turtles, if feasible.
47. (BIO-7) Impacts to vegetation in the vicinity of the pond, wetland, ephemeral drainages, and East Corral de Piedra Creek should be avoided or minimized to the extent needed for planned activities.
48. (BIO-8) Vegetation management, amplified music, and nighttime lighting within 250 feet of the pond shall not occur during the CRLF breeding season (November 1 to April 30).
49. (BIO-9) A qualified biologist shall monitor any vegetation removal within the pond or on the immediate margin to ensure CRLF are not impacted. The biologist shall halt work if CRLF are discovered and the animal allowed to leave on its own. However, if the appropriate permits are authorizations are received from the USFWS, CRLF may be moved out of harm's way in accordance with requirements from the USFWS.

Temporary Events – Notification

50. The applicant shall provide notification to owners of property within a minimum of 1,000 feet of the exterior boundaries of the proposed site, through an email or letter. If a letter is used, it shall be delivered within 30 days prior to but not less than 3 days before each event occurrence. The following information shall be provided:
 - a. A complete listing of all scheduled events including dates, times and number of attendees;
 - b. 24-hour contact information for the on-site operator (cell phone), including e-mail and phone number, to be used to notify the operator of issues with the operation;
 - c. Contact information for County Code Enforcement to be used if members of the public have complaints about the operation;
 - d. Any identified problems shall be responded to and addressed as soon as possible.

As an alternative to providing the annual listing of the events in a letter, a website may be used. If a web-site is used, notification shall first be provided by mail and contain the website address, the 24 hour local contact information and the approved number of events and attendee numbers. The website shall be maintained and kept current at all times.

Temporary Events – Days and Hours

51. Temporary Events shall last no more than one day each. Temporary Events may not occur more than 12 consecutive days. Temporary Events may not occur more than 4 consecutive weekends.
52. Temporary Events shall start no sooner than 10 a.m. and end by 10 p.m. each day. Facility set up and clean up shall be allowed between the hours of 8 a.m. to 11 p.m. All guests of an Event shall be off the property by 10:30 p.m.

Temporary Events – Lighting

53. The use of exterior lighting in association with an event shall not extend beyond 10:30 p.m. Use of lighting beyond these hours is acceptable where necessitated for emergency

purposes, provided that the use of lighting is minimized only to what is necessary to address the urgent conditions.

54. Any lighting used during events shall comply with Section 22.10.060 (Exterior Lighting). All lighting shall have minimized intensity. Sources shall be directed away from any road, highway, or adjacent residences.

Temporary Events – Noise

55. The project shall comply with the noise limits in the County Noise Element. From 7 a.m. to 10 p.m. (daytime), noise levels at the project property line shall not exceed an hourly average of 50 dB, with a maximum level of 70 dB, and a maximum impulsive noise level of 65 dB. From 10 p.m. to 7 a.m. (nighttime), noise levels at the property line shall not exceed an hourly average of 45 dB, with a maximum level of 65 dB, and an impulsive noise level of 60 dB.
56. Temporary Events, including outdoor amplified music, may be conducted between the hours of 10 a.m. and 10 p.m.
57. (N-2) Temporary Events with outdoor amplified music shall not to be permitted past the hour of 10 p.m.
58. (N-1) Sound levels experienced within event areas 50 feet from the source shall not exceed 85 decibels. Loudspeakers shall be positioned so that they are directed away from neighboring properties. Where practical, the activity areas at the event sites shall make use of existing structures as acoustic shielding to provide further protection for neighbors.

Violation

59. It is unlawful for any person to use or allow the use of property in violation of the provisions of this Section. The penalties for violation of this Section are set forth in Chapter 22.74 of this Title (Enforcement). Additional penalties for violation of this section may include revocation of the land use permit. A land use permit, including any Zoning Clearance, may not be issued if there is an active violation on the site or if 3 substantiated complaints have been received by the Department in any consecutive six month period. If substantiated complaints have been received by the Department more than three times in any consecutive six month period, this shall be grounds for revocation of the Land Use Permit consistent with this Title.